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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,213	05/23/2006	Alexander Shapiro	072332-0112	9827

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FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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EPFS, TODD MICHAEL

ART UNIT	PAPER NUMBER
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3632

MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,213	<b>Applicant(s)</b> SHAPIRO ET AL.	
	<b>Examiner</b> Todd M. Epps	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This is the first Office Action for serial number 10/580,213, Positioning Mechanism And Mount Apparatus Including The Same, filed on May 23, 2006.

#### ***Claim Objections***

Claim 1 is objected to because of the following informalities: line 2, "an at least" should be changed to -- at least --; and line 6, "an at least" should be changed to -- at least --.

Claim 14 is objected to because of the following informalities: line 2, "an at least" should be changed to -- the at least --.

Claim 15 is objected to because of the following informalities: line 1, "an at least" should be changed to -- at least --.

Claim 17 is objected to because of the following informalities: line 1, "an at least" should be changed to -- at least --.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12, 14-21, and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,175,152 to Dittmer.

Dittmer '152 discloses an apparatus (Fig. 2A) for positioning an object, the apparatus comprising: at least one friction member (52); a friction generating member (28, 134, 54) comprising a body member having at least one side surface (134) for receiving the at least one friction member; at least one affixed member (44) comprising at least one planar surface moveably connected to the at least one friction generating member and having there between the at least one friction member; whereby movement of the friction generating member generates a friction force between the at least one friction member and the at least one affixed member; wherein the at least one friction generating member side surface comprises a depression (146) for accommodating the at least one friction member; wherein the at least one friction generating member and the at least one affixed member are pivotally connected (144); wherein the at least one affixed member is an affixing eye hinged member (opening between the sides - 144); wherein the at least one affixing eye hinged member comprises at least two planar members (144 – both sides) and the at least one friction generating member comprises at least two side surfaces (134); wherein the at least one affixing eye hinged member is a U-like cross-section shape member (44) that is terminated by planar members; wherein the U-like cross-section shape member further comprises bends (44 - as shown in the corners in Fig. 2A); wherein each of the at least two planar members further comprise at least one hole (where screw 148 inserts);

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wherein the at least one friction generating member comprises a snap (54), wherein the snap comprises a lever with a release grip at it tip and an edge having a gripping protrusion (56, 58); wherein the at least one affixed member comprises at least one elongated affixed member (150) comprising elongated ellipse shape surface and aperture; wherein the at least one friction generating member comprises an elongated shape bottom surface (38); further comprising a mechanical linkage (148) between the at least one friction generating member and the at least one friction member, and affixing member is provided by a rigid clip member (in the back of 148 – like the one as shown in 144 on the other side like a “cap” or “clip”) holding the members together; further comprising at least one mounting plate (24) comprising at least one plate (back surface) for supporting the object; wherein the object is an electronic appliance (flat panel display); wherein the mounting plate comprising at least one substantially rectangular cross-section shaped member for supporting the object; wherein the mounting plate comprises two concentric located extruded eyes (68 – aperture) along the longitudinal axis of the mounting plate; wherein the mounting plate comprises square shaped extruded eyes (70) provided within a distance that is sufficient to place there within the at least friction generating member; further comprising at least one plate u-shaped cross-section aperture (Fig 6 – center aperture); wherein the friction generating member is placed between the mounting plate and the affixing hinged eye member secured by a pivot passing along the horizontal axis through the friction generating member

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dittmer '152 in view of U.S. Patent No. 6,367,756 to Wang.

Dittmer '152 discloses wherein the at least one friction generating member and at least one of the affixing member are moveably connected by a threaded screw (144), but fails to teach wherein the screw threaded in a nut. Nevertheless, Wang '756 discloses a screw (40) threaded in a nut (42). Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have modified the screw of Dittmer '152 to include the nut because one would have motivated to provide a means for attaching the adjustable device support as taught by Wang '756.

Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dittmer '152 in view of U.S. Patent No. 2006/0091274 to Asamarai et al.

Dittmer '152 fails to disclose wherein the at least one friction member has a high friction coefficient number and in a ranging from about 0.1 to 0.65. However, Asamarai '274 discloses a friction coefficient between the nut and the pin. Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have modified the friction member of Dittmer '152 to include a friction coefficient

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because one would have motivated to provide a means for assisting in preventing unwanted movement of the display mount as taught by Asamarai '274.

Furthermore, it might not be interpreted that Asamarai '274 specifically teaches the friction coefficient number from 0.1 to 0.65. regardless, it would have been obvious to an ordinary artisan to do so since such a person would recognize that doing so would depend on a specific user and specific design circumstances, and since the workable ranges discovered by routine experimentation is usually within the skill level of an ordinary artisan. See *In Re Aller*, 105, USPQ 233 (CCPA 1955).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 7,481,403 to Yuan

U.S. Patent No. 7,458,550 to Chang

U.S. Patent No. 6,367,751 to Perrott

U.S. Patent No. 5,743,503 to Voeller et al.

U.S. Patent No. 5,596,909 to Cox et al.

The above references disclose a similar structure as applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is (571) 272-8282. The examiner can normally be reached on M-F (7:30-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T.M.E./

Todd M. Epps  
Patent Examiner  
Art Unit 3632  
August 27, 2009

/Alfred Joseph Wujciak III/  
Primary Examiner, Art Unit 3632